

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
)	CRIMINAL NO.: 04-10159-NG
v.)	
)	
LUIS CABRERA)	
a/k/a Luis Alcantara)	
a/k/a Luis Cabreia)	
a/k/a Hector Rivera)	
a/k/a Hector Rivers)	

GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION FOR DISCOVERY

The United States, by and through its attorneys, United States Attorney Michael J. Sullivan and Assistant United States Attorney Seth P. Berman, objects to the Defendant's Motion for Discovery. As grounds therefore, the Government states that discovery practice in this District is governed by Local Rule 116.1 et seq. The defendant opted to proceed according to the rules of Automatic Discovery in this case, and the Government has been providing discovery as required under those rules. Defendant's instant motion is in violation of Local Rule 116.3 , because it was not proceeded by a letter request, as required by L.R. 116.3(a), and it was not sent within forty-two days of arraignment. Moreover, most of the specific requests for discovery made in the defendant's Motion for Discovery are for items that are not discoverable under either the Local Rules or the Federal Rules of Criminal Procedure.

The Government intends to provide discovery in accordance with the Local Rules and the Federal Rules of Criminal Procedure.

Conclusion

For these reasons, the United States asks this Court to deny Defendant's Motion for Discovery in this case.

Respectfully Submitted,
MICHAEL J. SULLIVAN
United States Attorney
By:

/s/ Seth P. Berman
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November 17, 2005